

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON, Plaintiff, v. AMERISOURCEBERGEN DRUG CORPORATION, et al., Defendants.	Civil Action No. 3:17-01362 Hon. David A. Faber
CABELL COUNTY COMMISSION, Plaintiff, v. AMERISOURCEBERGEN DRUG CORPORATION, et al., Defendants.	Civil Action No. 3:17-01665 Hon. David A. Faber

**REQUEST FOR LIMITED APPEARANCE AT TRIAL
DURING TESTIMONY OF GOVERNMENT WITNESS**

The Department of Justice (DOJ), on behalf U.S. Drug Enforcement Administration (DEA), respectfully requests that the Court permit a DOJ attorney to make a limited appearance at trial during the testimony of Joseph Rannazzisi. In support of this request, this United States provides:

1. From 2005 to 2015, Mr. Rannazzisi served as the Deputy Assistant Administrator for the DEA. On April 8, 2021, this Court denied Defendants' motion to exclude the testimony of Mr. Rannazzisi and ordered that Plaintiffs may call Mr. Rannazzisi to testify as a fact witness. *Memorandum Opinion and Order*, ECF No. 1260.

2. The United States understands that Mr. Rannazzisi will be testifying to factual information relating to his former DEA employment and, specifically, information disclosed during his Track 1 deposition.

3. DOJ authorized Mr. Rannazzisi's deposition testimony pursuant to the DOJ's Touhy regulations,¹ and DOJ represented Mr. Rannazzisi in his official capacity at his Track 1 deposition.

4. Because DOJ retains an interest in the disclosure of federal information by Mr. Rannazzisi, the DOJ requests permission to have an attorney in the courtroom during Mr. Rannazzisi's testimony to represent the witness in his former official capacity and make any objections, as needed.

5. DOJ reserves its ability to make a similar request related to other current or former federal employees, including individuals designated as federal task force officers, who may be called to testify.

Respectfully submitted,

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Deputy Assistant Attorney General

LISA G. JOHNSTON
Acting United States Attorney
Attorney for the United States
Acting Under Authority Conferred by 28 U.S.C. § 515

By: /s/Fred B. Westfall, Jr.
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¹ Federal regulations govern the disclosure of official DEA information by federal employees. *See U.S. ex rel. Touhy v. Ragen*, 340 U.S. 462, 468 (1951)

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CERTIFICATE OF SERVICE

I, Fred B. Westfall, Jr., Assistant United States Attorney, hereby certify that that on April 26, 2021, the foregoing **REQUEST FOR LIMITED APPEARANCE AT TRIAL DURING TESTIMONY OF GOVERNMENT WITNESS** with the Court using the Court's CM/ECF system, which will send a copy thereof by email to all counsel of record.

/s/Fred B. Westfall, Jr.

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